

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Laura Strauss	Team: Squad #6	CCRB Case #: 201906887	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 07/27/2019 1:51 AM, Saturday, 07/27/2019 3:25 AM, Wednesday, 02/24/2021 12:00 AM, Thursday, 07/29/2021 12:00 AM	Location of Incident: In front of § 87(2)(b) 73rd Precinct stationhouse	Precinct: 73	18 Mo. SOL 1/27/2021	EO SOL 9/13/2021	
Date/Time CV Reported Sat, 07/27/2019 4:43 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/05/2019 11:13 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DTS Kaz Daughtry	3581	940052	PBBN
2. DTS Jan Rogowski	17628	955406	PBBN
3. Officers			
4. CPT Hugo Dominguez	00000	928209	077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kyle Calenda	05856	963426	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Kaz Daughtry	Force: Detective Kaz Daughtry used physical force against § 87(2)(b)	§ 87(2)(b)
B.DTS Kaz Daughtry	Force: Detective Kaz Daughtry used physical force against individuals.	§ 87(2)(b)
C.DTS Jan Rogowski	Force: Police Officer Jan Rogowski used physical force against individuals.	§ 87(2)(b)
D.DTS Kaz Daughtry	Discourtesy: Detective Kaz Daughtry spoke discourteously to § 87(2)(b)	§ 87(2)(b)
E.DTS Kaz Daughtry	Discourtesy: Detective Kaz Daughtry spoke discourteously to individuals.	§ 87(2)(b)
F.DTS Kaz Daughtry	Force: Detective Kaz Daughtry used physical force against § 87(2)(b)	§ 87(2)(b)
G.DTS Jan Rogowski	Force: Police Officer Jan Rogowski used physical force against § 87(2)(b)	§ 87(2)(b)
H. Officers	Force: Officers used physical force against § 87(2)(b)	§ 87(2)(b)
I.DTS Kaz Daughtry	Discourtesy: Detective Kaz Daughtry spoke discourteously to § 87(2)(b)	§ 87(2)(b)
J.DTS Jan Rogowski	Discourtesy: Police Officer Jan Rogowski spoke discourteously to § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
K.DTS Kaz Daughtry	Abuse: Detective Kaz Daughtry interfered with § 87(2)(b) use of a recording device.	
L.DTS Kaz Daughtry	Abuse: Detective Kaz Daughtry damaged § 87(2)(b) property.	
M.DTS Kaz Daughtry	Force: Detective Kaz Daughtry tightly handcuffed § 87(2)(b)	
N.DTS Jan Rogowski	Force: Police Officer Jan Rogowski tightly handcuffed § 87(2)(b)	
O.DTS Kaz Daughtry	Abuse: Detective Kaz Daughtry threatened § 87(2)(b) with the use of force.	
P.CPT Hugo Dominguez	Discourtesy: Captain Hugo Dominguez spoke discourteously to § 87(2)(b)	
Q.DTS Kaz Daughtry	Abuse: At the 73rd Precinct stationhouse, Detective Kaz Daughtry refused to provide his shield number to § 87(2)(b)	
R.DTS Kaz Daughtry	Untruthful Stmt.: On February 24, 2021 and July 29, 2021, Detective Kaz Daughtry provided a misleading official statement to the CCRB.	
S.DTS Kaz Daughtry	Untruthful Stmt.: On February 24, 2021 and July 29, 2021, Detective Kaz Daughtry provided an inaccurate official statement to the CCRB.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On July 27, 2019, Capt. Derby St. Fort, of the 73rd Precinct, reported this complaint to the Internal Affairs Bureau on behalf of § 87(2)(b). On August 5, 2019, the CCRB received this complaint from IAB, under original log #19-28918.

On July 26, 2019, at approximately 11:00 p.m., § 87(2)(b) went to the Brownsville Old Timers Festival in Brooklyn. After the festival ended, § 87(2)(b) gathered with a group of friends in front of his building, located at § 87(2)(b). On July 27, 2019, at approximately 1:51 a.m., Det. Kaz Daughtry and PO Jan Rogowski, of Patrol Borough Brooklyn North, walked past the group. Det. Daughtry told everybody to disperse, and allegedly shoved § 87(2)(b) and other individuals in the crowd (**Allegations A and B: Force**, § 87(2)(g)). PO Rogowski also allegedly shoved individuals in the crowd (**Allegation C: Force**, § 87(2)(g)). Det. Daughtry allegedly stated, “Get the fuck out of here” (**Allegations D and E: Discourtesy**, § 87(2)(g)). Det. Daughtry grabbed § 87(2)(b) arm and an officer, whom § 87(2)(b) did not see, tripped him to the ground (**Allegations F-G: Force**, § 87(2)(g)). **Allegation H: Force**, § 87(2)(g)), and officers arrested him.

At approximately 3:25 a.m., after he was released, § 87(2)(b) returned to § 87(2)(b) where he encountered Det. Daughtry and PO Rogowski standing in the hallway. Det. Daughtry allegedly stated, “What the fuck are you doing back out?” and PO Rogowski allegedly stated, “How the fuck did you get back out?” (**Allegations I and J: Discourtesy**, § 87(2)(g)). § 87(2)(b) held his phone up to record the interaction. Det. Daughtry allegedly knocked § 87(2)(b) phone out of his hand, which allegedly damaged the phone (**Allegations K and L: Abuse of Authority**, § 87(2)(g)). Det. Daughtry allegedly told § 87(2)(b) not to put the phone in his “fucking face” (**Within Allegation I**). § 87(2)(b) was arrested again. § 87(2)(b) stated that his handcuffs were too tight, which allegedly prompted Det. Daughtry and PO Rogowski to tighten his handcuffs (**Allegations M and N: Force**, § 87(2)(g)). While at the transport van, Det. Daughtry allegedly pressed his taser under § 87(2)(b) ribs to get him to move into the van (**Allegation O: Abuse of authority**, § 87(2)(g)). Capt. Hugo Dominguez, of the 77th Precinct, told § 87(2)(b) “Yeah, you hit the fucking door to begin with and then you put the fucking phone in my face” (**Allegation P: Discourtesy**, § 87(2)(g)). At the 73rd Precinct stationhouse, Det. Daughtry allegedly refused to provide his shield number to § 87(2)(b) (**Allegation Q: Abuse of Authority**, § 87(2)(g)).

Det. Daughtry provided misleading and inaccurate official statements to the CCRB (**Allegations R and S: Untruthful statement**, § 87(2)(g)). § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

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§ 87(2)(b)

§ 87(2)(b)

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§ 87(2)(b)

The investigation obtained 31 BWC videos. Solely PO Rogowski’s BWC footage partially depicted the second incident (BR 03). Patrol Borough Brooklyn North conducted a concurrent

investigation, in which the allegations were all closed as “Information & Intelligence” and PBBN determined that officers used a reasonable amount of force to effect § 87(2)(b) arrest (BR 29).

Det. Daughtry and Det. Rogowski, who was subsequently promoted, have since been reassigned to the Community Affairs Bureau. This investigation was delayed by the COVID-19 global pandemic and delays in scheduling officers for remote interviews.

Findings and Recommendations

Allegation (A) Force: Detective Kaz Daughtry used physical force against § 87(2)(b)

Allegation (B) Force: Detective Kaz Daughtry used physical force against individuals.

Allegation (C) Force: Police Officer Jan Rogowski used physical force against individuals.

Allegation (D) Discourtesy: Detective Kaz Daughtry spoke discourteously to § 87(2)(b)

Allegation (E) Discourtesy: Detective Kaz Daughtry spoke discourteously to individuals.

This incident was not recorded on BWC or another video source.

§ 87(2)(b) testified (BR 04-05) that after the Brownsville Old Timers festival concluded, he stood and talked with a group of friends, individuals, and his sister, § 87(2)(b) in front of his apartment building. Several officers, including Det. Daughtry, with whom § 87(2)(b) was familiar, and PO Rogowski walked past § 87(2)(b) and the group. One of the individuals stated, “Fuck you, Daughtry,” which led Det. Daughtry to tell the entire group to disperse. Det. Daughtry used the open palm of his hand to shove § 87(2)(b) in the chest, which caused him to take a step back. Det. Daughtry told everybody in the crowd, including § 87(2)(b) “Get the fuck out of here.” Det. Daughtry and PO Rogowski pushed other individuals in the crowd, to get them to leave. Det. Daughtry then shoved § 87(2)(b) again in the chest. § 87(2)(b) declined to provide the names or contact of information for anyone who was present during the incident.

§ 87(2)(b) identified Det. Daughtry as the subject officer in all his allegations, based upon his familiarity with Det. Daughtry. PO Rogowski was identified by the investigation, given that he matched § 87(2)(b) physical description, his involvement was listed on police documentation (see Allegations F-H), and PO Rogowski acknowledged being present for both of § 87(2)(b) arrests. Additionally, § 87(2)(b) stated that solely Det. Daughtry and the officer identified as PO Rogowski were present during both arrests.

§ 87(2)(b) was deemed uncooperative with the investigation.

Det. Daughtry testified (BR 06) that as he and PO Rogowski stood in a large courtyard called § 87(2)(b) § 87(2)(b) approached him, threw the liquid contents of her cup in his face, then slapped him. Officers, whom Det. Daughtry could not identify, rushed to apprehend § 87(2)(b) § 87(2)(b) was subsequently arrested by PO Rogowski. Det. Daughtry did not know if, prior to § 87(2)(b) and § 87(2)(b) arrests, any individuals in the crowd recognized him or called him by his name. Det. Daughtry did not know if officers told individuals in the crowd to disperse. Det. Daughtry did not tell any individuals, “Get the fuck out.” Det. Daughtry did not push § 87(2)(b) or any individuals. PO Rogowski did not push any individuals.

PO Rogowski's testimony (BR 07) was consistent with Det. Daughtry's, and he similarly testified that the interaction began when § 87(2)(b) threw a liquid at Det. Daughtry. PO Rogowski did not push § 87(2)(b) or any individuals. PO Rogowski did not observe Det. Daughtry push § 87(2)(b) or any individuals. PO Rogowski did not hear Det. Daughtry say, "Get the fuck out."

PO Kyle Calenda, of the 73rd Precinct, was assigned as § 87(2)(b) arresting officer for his second arrest. He testified (BR 08) that to his recollection, he was not present during either of § 87(2)(b) arrests. PO Calenda did not see Det. Daughtry push § 87(2)(b) and he did not recall Det. Daughtry pushing any individuals. PO Calenda did not recall whether PO Rogowski pushed any individuals. PO Calenda did not recall whether Det. Daughtry stated, "Get the fuck out."

§ 87(2)(b), § 87(2)(g)

Allegation (F) Force: Detective Kaz Daughtry used physical force against § 87(2)(b)

Allegation (G) Force: Police Officer Jan Rogowski used physical force against § 87(2)(b)

Allegation (H) Force: Officers used physical force against § 87(2)(b)

This incident was not recorded on BWC or another video source.

§ 87(2)(b) testified that after Det. Daughtry shoved him twice, Det. Daughtry told PO Rogowski and an officer to remove him. § 87(2)(b) complied and put his hands behind his back. Det. Daughtry grabbed § 87(2)(b) by the arm and an officer, whom § 87(2)(b) did not see, tripped him to the ground. § 87(2)(b) hit his face on the ground and officers handcuffed him. § 87(2)(b) told the officers that he could not move his legs, due to an ankle injury, and requested medical attention. § 87(2)(b) was taken to § 87(2)(b) Hospital.

In Det. Daughtry's PBBN GO-15 (BR 09), conducted on October 9, 2019, he stated that § 87(2)(b) approached the officers, with Hennessy or another liquor. § 87(2)(b) told officers, "Get the fuck out of here" and stated, "You motherfuckers don't belong here." Det. Daughtry, PO Rogowski, and a few unknown officers attempted to arrest § 87(2)(b) actively resisted by refusing to give his hands to officers and was "place[d] on the ground."

Det. Daughtry testified to the CCRB that as he and PO Rogowski stood in § 87(2)(b) § 87(2)(b) approached him, threw the liquid contents of her cup in his face, then slapped him. Det. Daughtry then went to get water to wash his face, from a location he did not recall. He was subsequently informed by PO Rogowski that he arrested § 87(2)(b) for attempting to interfere with § 87(2)(b) arrest. Det. Daughtry did not physically assist in effecting § 87(2)(b) arrest and did not observe his arrest. Upon being presented with his GO-15 (CCRB re-interview, BR 30), Det. Daughtry stated, "I still do not remember being there for the arrest, but if that's what I said, that's what I said." Det. Daughtry did not recall whether he tried to grab § 87(2)(b) hands or place him on the ground. Det. Daughtry solely recalled washing his face during the incident and did not recall any actions that he took during § 87(2)(b) first arrest.

In PO Rogowski's GO-15 (BR 28), he testified that § 87(2)(b) yelled profanities and refused to leave the location. § 87(2)(b) was placed under arrest and PO Rogowski forcibly took him down because he resisted arrest.

PO Rogowski testified to the CCRB that after § 87(2)(b) threw a liquid in Det. Daughtry's face, officers apprehended her. § 87(2)(b) then interfered with § 87(2)(b) arrest by attempting to pull her away. PO Rogowski and other officers, whom he could not identify, arrested § 87(2)(b). § 87(2)(b) resisted and was not compliant. PO Rogowski did not recall how § 87(2)(b) resisted. PO Rogowski and officers, whom he could not identify, forcibly took § 87(2)(b) down to the ground in a controlled manner. PO Rogowski was unable to describe how § 87(2)(b) was taken to the ground. Officers handcuffed § 87(2)(b) while he was on the ground. After § 87(2)(b) threw the liquid at Det. Daughtry, he went to wash out his eyes. PO Rogowski did not observe Det. Daughtry physically assist with handcuffing § 87(2)(b). PO Rogowski did not see any physical injuries that § 87(2)(b) sustained.

PO Calenda testified that he did not recall being present during § 87(2)(b) arrests and that he did not recall seeing any officers take § 87(2)(b) down to the ground.

The unfinalized ISAR detailed (BR 10) that § 87(2)(b) was observed yelling and screaming obscenities, disturbing the public. PO Rogowski stated that he conducted a forcible take down in order to prevent injuries to MOS. PO Rogowski and Det. Daughtry were listed as the involved MOS. On August 17, 2020, IAB informed the CCRB that the TRIs and ISAR related to this complaint were voided and never re-entered and thus, finalized copies were not obtained (BR 11).

In a phone call with IAB, Capt. St. Fort stated that PO Rogowski performed a forcible takedown on § 87(2)(b) (BR 12). Capt. St. Fort was the 73rd Precinct duty captain and reported the complaint to IAB but was not present during the incident. He stated that § 87(2)(b) was arrested for disorderly conduct and OGA but did not provide a reason for the force used. § 87(2)(b) summons documented that § 87(2)(b) screamed at a high volume in a public place, which caused a crowd to gather (BR 01).

§ 87(2)(b) medical records from FDNY (BR 13) document that his chief complaint was left ankle pain, the mechanism of injury was a fall, and the provider impression was "trauma injury." § 87(2)(b) informed EMS that he hit his head but denied pain at the location. § 87(2)(b) medical records from § 87(2)(b) Hospital (BR 19) detail that his chief complaint was ankle pain.

According to the Unusual Occurrence Report (UF-49) (BR 14), 129 officers were requested to work at the Brownsville Old Timers Festival from July 26, 2019 until the following morning, plus an additional 33 traffic agents, ESU unit, and Aviation unit. The detail rosters (BR 15) did not include all officers assigned to the detail and did not clearly document where and when officers were working. According to Event #§ 87(2)(b) at 1:33am, additional units were requested to the courtyard of § 87(2)(b) (BR 16).

§ 87(2)(b) testified that Det. Daughtry grabbed him by the arm and an officer, whom he did not see, tripped him to the ground. The corresponding documentation and officers' testimonies

paint an inconsistent account of Det. Daughtry's involvement in § 87(2)(b) arrest: Det. Daughtry and PO Rogowski testified that Det. Daughtry was not present at that point; Det. Daughtry testified in his GO-15 that he attempted to arrest § 87(2)(b) and officers placed him on the ground; Det. Daughtry was listed on the unfinalized ISAR as having been involved, but solely PO Rogowski was listed as performing the takedown; Capt. St. Fort informed IAB that solely PO Rogowski performed the takedown. Upon being presented with his GO-15, Det. Daughtry maintained that he did not recall being present for § 87(2)(b) first arrest. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Though it is undisputed that PO Rogowski forcibly took § 87(2)(b) to the ground, officers' testimonies and evidence offer inconsistent accounts of what led to § 87(2)(b) arrest and why force was used. § 87(2)(b) testified that prior to his arrest, he was solely standing with a group of individuals, one of whom verbally confronted Det. Daughtry. § 87(2)(b) stated that prior to being forcibly taken down, he was being compliant. Officer testimony and documentation detail that § 87(2)(b) was arrested either for yelling and screaming obscenities and/or interfering with his sister's arrest. PO Rogowski was unable to provide a detailed description of the force utilized and stated that a takedown was used because § 87(2)(b) resisted, in a manner that he could not describe. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (I) Discourtesy: Detective Kaz Daughtry spoke discourteously to § 87(2)(b)

Allegation (J) Discourtesy: Police Officer Jan Rogowski spoke discourteously to § 87(2)(b)

§ 87(2)(b)

Allegation (K) Abuse of Authority: Detective Kaz Daughtry interfered with § 87(2)(b) use of a recording device.

Allegation (L) Abuse of Authority: Detective Kaz Daughtry damaged § 87(2)(b) property.

BWC was solely obtained for the latter part of this interaction and does not depict these allegations or the time frame in which they allegedly occurred.

§ 87(2)(b) testified that after he was released from the hospital, he returned to his apartment building, where he found Det. Daughtry and PO Rogowski standing in the hallway. § 87(2)(b) knocked on the glass door because he did not have keys. Det. Daughtry opened the door and yelled, "What the fuck are you doing back out?" PO Rogowski yelled, "How the fuck did you get back out?" § 87(2)(b) held his phone up to record, but Det. Daughtry knocked the phone out of § 87(2)(b) hand. § 87(2)(b) phone fell on the floor and Det. Daughtry told § 87(2)(b)

not to put the phone in his “fucking face.” § 87(2)(b) was subsequently arrested and when he later retrieved his phone, which had been vouchered, it was shattered and severely damaged.

Det. Daughtry testified that as he stood outside of an apartment building in § 87(2)(b) he observed § 87(2)(b) forcefully punching a glass door in the vestibule. Det. Daughtry did not say, “What are the fuck are you doing back out?” PO Rogowski did not make any statements about § 87(2)(b) being released or use any profanity. Det. Daughtry did not recall whether § 87(2)(b) held up his phone or attempted to record. Det. Daughtry did not knock § 87(2)(b) phone out of his hand. Det. Daughtry did not see § 87(2)(b) phone fall on the ground. Det. Daughtry did not recall telling § 87(2)(b) not to put his phone in his “fucking face.” Capt. Dominguez ordered Det. Daughtry and PO Rogowski to arrest § 87(2)(b).

PO Rogowski’s testimony was generally consistent with Det. Daughtry’s. PO Rogowski stated that § 87(2)(b) attempted to break a window inside the building vestibule, by punching and kicking the windows. PO Rogowski did not ask § 87(2)(b) “How the fuck did you get back out?” Det. Daughtry did not say, “What the fuck are you doing back out?” PO Rogowski did not observe § 87(2)(b) take out his cell phone or attempt to record the interaction. PO Rogowski did not see Det. Daughtry knock § 87(2)(b) cell phone out of his hand. PO Rogowski did not hear Det. Daughtry tell § 87(2)(b) not to put his cell phone in his “fucking face.”

PO Calenda testified that to his recollection, he was not present during § 87(2)(b) second arrest. He denied or did not recall observing all the aforementioned allegations.

Property vouchers from § 87(2)(b) arrest detail that his cell phone had “various cracks on screen” and that he had a “cracked phone case” (BR 17).

Though property vouchers detail that § 87(2)(b) phone was damaged, absent any corroborating evidence as to how the damage was sustained, the investigation was unable to determine whether the damage was caused by Det. Daughtry. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b).

Allegation (M) Force: Detective Kaz Daughtry tightly handcuffed § 87(2)(b)

Allegation (N) Force: Police Officer Jan Rogowski tightly handcuffed § 87(2)(b)

§ 87(2)(b) testified that after Det. Daughtry and PO Rogowski handcuffed him, he complained that his handcuffs were too tight. This prompted Det. Daughtry and PO Rogowski to simultaneously tighten his handcuffs. § 87(2)(b) sustained lacerations because of the tight handcuffs. § 87(2)(b) was brought to § 87(2)(b) in Brooklyn.

In PO Rogowski’s BWC (BR 03), at the 02:19 mark in the video player, § 87(2)(b) stated that his handcuffs were too tight. Det. Daughtry and PO Rogowski had just handcuffed § 87(2)(b) in the building lobby and led him to the transport vehicle. At the 02:20 mark, an officer who is off screen stated, “Gotta make em a little, there ya go, how is that?” It is unclear who made that statement, and it was not visible what, if any, actions officers took. There were no discernible

sounds of handcuffs clicking. At the 02:30 mark, § 87(2)(b) stated that he needed to go to the hospital and could not feel his right wrist. Aside from Capt. Dominguez, Det. Daughtry, and PO Rogowski, BWC did not clearly depict which, if any, other officers were present at that point.

Det. Daughtry testified that he did not recall if § 87(2)(b) stated that his handcuffs were too tight. Neither he nor any officer tightened § 87(2)(b) handcuffs. Det. Daughtry did not see any officer loosen or adjust § 87(2)(b) handcuffs. Det. Daughtry did not observe any physical injuries that § 87(2)(b) sustained. Capt. Dominguez later informed Det. Daughtry that he thought § 87(2)(b) was taken to the hospital. Upon viewing PO Rogowski's BWC footage, Det. Daughtry stated he did not know who stated, "Gotta make em a little, there ya go, how is that?" It did not sound like his or PO Rogowski's voice. Det. Daughtry did not know and did not remember what was happening at the point that an officer made that statement.

PO Rogowski testified that § 87(2)(b) stated that his handcuffs were too tight and that his wrists hurt. Neither he nor Det. Daughtry tightened § 87(2)(b) handcuffs.

PO Calenda stated that he did not recall being present during § 87(2)(b) second arrest. He did not see Det. Daughtry or PO Rogowski tighten § 87(2)(b) handcuffs.

§ 87(2)(b) stated that there were no applicable records for the dates requested (BR 18). § 87(2)(b) Hospital medical records solely detailed § 87(2)(b) initial trip to the Emergency Room, in which his chief complaint was ankle pain (BR 19).

Video footage depicted § 87(2)(b) stating that his handcuffs were too tight. An officer, who was not visible, then replied, "Gotta make em a little, there ya go, how is that," which is ambiguous and could be interpreted to mean that § 87(2)(b) handcuffs were tightened or loosened. Additionally, Det. Daughtry and PO Rogowski were both present at that point, though not visible when an officer made that statement. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (O) Abuse of Authority: Detective Kaz Daughtry threatened § 87(2)(b) with the use of force.

In PO Rogowski's BWC (BR 03), at the 03:33 mark in the video player, Det. Daughtry and PO Rogowski led § 87(2)(b) away from a marked SUV and toward a marked van. At the 04:01 mark, § 87(2)(b) stated that his leg was "fucked up" and that an officer needed to lift his leg up so that he could get into the van. § 87(2)(b) began screaming and stated that he needed medical attention. Unidentified officers told § 87(2)(b) "Let's go" and tried to urge him to enter the van. § 87(2)(b) continued screaming and officers physically assisted with lifting him into the van. Det. Daughtry was present at the van. The video footage was very dark and based upon the angle, it was not visible whether Det. Daughtry held his Taser to § 87(2)(b) body.

§ 87(2)(b) testified that when he was brought to the transport van, he had trouble entering the van due to his ankle injury. Det. Daughtry pushed § 87(2)(b) into the vehicle through the side door. While § 87(2)(b) was partially in the vehicle, with his foot on the step and knees and chest on the vehicle seat, Det. Daughtry pressed his taser under § 87(2)(b) ribs for a few seconds, to get him to move into the van.

Det. Daughtry testified that he did not take § 87(2)(b) to the transport vehicle and did not know which officers did. Det. Daughtry was equipped with a Taser. He did not recall whether he unholstered his Taser or pressed his Taser to § 87(2)(b) body. Upon viewing PO Rogowski's BWC footage, Det. Daughtry stated that he did not independently recall being present at the van and maintained that he did not recall whether he held his Taser to § 87(2)(b) body.

PO Rogowski testified that after he and Det. Daughtry led § 87(2)(b) to a prisoner van, § 87(2)(b) refused to enter the van and yelled about being in pain. PO Rogowski did not recall whether § 87(2)(b) explained why he was not entering the van. Officers, whom PO Rogowski could not identify, assisted with lifting § 87(2)(b) into the van. PO Rogowski did not observe Det. Daughtry unholster his Taser or hold his Taser to § 87(2)(b) body.

PO Calenda did not recall being present during § 87(2)(b) second arrest. He testified that to his recollection, Det. Daughtry did not hold his Taser to § 87(2)(b) body.

Though Det. Daughtry testified that he was not present at the transport van, BWC footage showed that he was present when § 87(2)(b) struggled to enter the van. However, based upon the lighting and angle of the video, the footage does not show what actions, if any, Det. Daughtry took in assisting with moving § 87(2)(b) into the van. § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation (P) Discourtesy: Captain Hugo Dominguez spoke discourteously to § 87(2)(b)

§ 87(2)(b)
In PO Rogowski's BWC (BR 03), at the 03:09 mark in the video player, Capt. Dominguez told § 87(2)(b) "Yeah, you hit the fucking door to begin with and then you put the fucking phone in my face." At that point, they were standing next to a NYPD transport vehicle.

§ 87(2)(b) did not testify that Capt. Dominguez used discourteous language toward him.

Sgt. Shirnell Williams, assistant ICO at the 77th Precinct, informed the CCRB that Capt. Dominguez retired and is out of the country (BR 20).

§ 87(2)(g)

Allegation (Q) Abuse of Authority: At the 73rd Precinct stationhouse, Detective Kaz Daughtry refused to provide his shield number to § 87(2)(b)

This incident was not recorded on BWC or another video source.

§ 87(2)(b) testified that while at the 73rd Precinct stationhouse, prior to being transported to the hospital, § 87(2)(b) asked to Det. Daughtry for his shield number. Det. Daughtry quickly showed his shield and kept walking, but it was too quick for § 87(2)(b) to see the number.

Det. Daughtry testified that he did not see § 87(2)(b) at the stationhouse. § 87(2)(b) did not ask Det. Daughtry for his shield number. PO Rogowski testified that he did not see whether Det. Daughtry interacted with § 87(2)(b) at the stationhouse. PO Rogowski did not hear § 87(2)(b) ask Det. Daughtry for his shield number.

§ 87(2)(g)

Allegation (R) Untruthful Statement: On February 24, 2021 and July 29, 2021, Detective Kaz Daughtry provided a misleading official statement to the CCRB.

Allegation (S) Untruthful Statement: On February 24, 2021 and July 29, 2021, Detective Kaz Daughtry provided an inaccurate official statement to the CCRB.

As exhibited above, Det. Daughtry provided contradictory testimonies in his PBBN and CCRB interviews. The first group of untruthful statements are regarding § 87(2)(b) first arrest. Prior to his CCRB interviews, Det. Daughtry had access to listen to his GO-15.

The following verbatim exchange occurred between 03:44 and 05:00 in Det. Daughtry's PBBN GO-15, conducted on October 9, 2019 (BR 09):

Det. Daughtry: At this time, § 87(2)(b) came up to us, he had a uh alcohol, I wanna say it was either Hennessy or I'm not sure, I don't remember the exact alcohol brand that he had. He started yelling, 'Get the fuck out of here, get the fuck out of here, you motherfuckers don't belong here, get out of here, get out of here, get out of here.' He then got the whole crowd to kind of turn against us.... My partner and I and a couple of other officers, who I don't know what commands they were from, we go in to make the arrest. As we're placing the individual in handcuffs, he refused, he's actively resisting by not wanna give us his hands, telling us that we can't touch him, you have no right to touch me. Um, at that time, we were trying to grab his hands, place him on the ground. A female Black came up to us, um, and then she took her, she had a cup in her hand, a red cup, and she threw the contents of the cups in my face and actually slapped me.

The following verbatim exchange occurred between 08:37 and 08:51 in Det. Daughtry's initial CCRB interview, conducted on February 24, 2021 (BR 06):

Det. Daughtry: § 87(2)(b) I believe that he was engaged with Det. Rogowski, and I believe subsequently he was arrested because he was trying to interfere with § 87(2)(b) arrest.

Between 26:15 and 26:51 in the interview, Det. Daughtry stated that after § 87(2)(b) threw a drink in his face, he went to get water to wash his face, but did not know where he got the water from. He was unable to provide any details about how § 87(2)(b) was engaged with Det. Rogowski, as it occurred around the same time that the drink was thrown in his face.

Between 29:51 and 31:16 in the interview, the following verbatim exchange occurred, regarding Det. Daughtry's involvement in § 87(2)(b) first arrest:

Inv. Strauss: Did you ever make physical contact with § 87(2)(b)

Det. Daughtry: No, no, no. He [PO Rogowski] was the one who grabbed him the first time.

Det. Daughtry then stated that he did not see § 87(2)(b) initial arrest and that PO Rogowski subsequently informed him about it.

In Det. Daughtry's second CCRB interview, conducted on July 29, 2021, between 34:03 and 34:58 in the interview, Det. Daughtry listened to his GO-15 (04:15 to 05:06 in the GO-15 audio). The following verbatim exchange occurred between 34:59 and 39:46 (BR 30):

Inv. Strauss: So, you stated in the audio that you 'went in to make the arrest' for § 87(2)(b)

What did you mean by that?

Det. Daughtry: Exactly what I meant on the tape.

Det. Daughtry stated that he could not provide any further details in regards.

Inv. Strauss: And then you also stated, 'At the time we were trying to grab his hands and place him on the ground,' and so what did you mean by that, place him on the ground?

Det. Daughtry: Exactly what I said on the tape.

Inv. Strauss: And so, hearing this, does this refresh your recollection as to whether you assisted with § 87(2)(b) first arrest?

Det. Daughtry: No, just exactly what was said there on the GO-15, cause I don't remember. The answer is no.

Regarding whether he was involved in § 87(2)(b) first arrest, Det. Daughtry stated:

Det. Daughtry: Yes I was, whatever I said on the GO, that's exactly what I remember.

I'm not gonna go speculating anymore because that was a long time ago.

Det. Daughtry was not able to explain any further details about his involvement in § 87(2)(b) first arrest.

Inv. Strauss: In your previous CCRB testimony, you stated that you were not present at the time during § 87(2)(b) first arrest, that you had stepped away to get water for your face, and that you didn't help, you did not physically effect § 87(2)(b) arrest. And in the GO-15 you're saying that you did go in to make the arrest, that § 87(2)(b) resisted, and that you tried to grab his hands and place him on the ground. So, I want to give you the opportunity to explain the differences in those two testimonies.

Det. Daughtry: I appreciate that, but I still do not remember being there for the arrest.

But, if that's what I said, that's what I said.

He added that he did not recall and that it was over two years ago, so he did not want to speculate.

When Det. Daughtry was asked again why he provided conflicting testimonies to PBBN and the CCRB, he stated:

Det. Daughtry: Well, when I say present [in the GO-15], when I say 'we,' I mean, as the NYPD, I was there, but I don't remember the details, but like I said again I just do not recall, this was over two years ago so I don't remember.

Inv. Strauss: Okay, meaning 'we' as the NYPD, you said, 'we were trying to grab his hands and place him on the ground,' and so what was that referring to?

Det. Daughtry: The cops that were there, myself, my partner, the other cops that were around.

Inv. Strauss: And so in the ‘we were trying to grab his hands and place him on the ground,’ were you participating in that as well?

Det. Daughtry: I don’t recall.

Regarding what he did independently recall about the first incident, Det. Daughtry stated:

Det. Daughtry: I remember washing my face out, that’s what I remember, I don’t know where I got the water from. Washing my face out and I remember saying I don’t know what was just sprayed in my face, and that’s about it.

SI Roche: And even having listened to the GO-15, you still don’t kind of remember any actual actions that you took at the time?

Det. Daughtry: I do not recall, I don’t remember.

The second group of untruthful statements were made by Det. Daughtry regarding § 87(2)(b) second arrest.

The following verbatim exchange occurred between 42:05 and 42:55 in Det. Daughtry’s initial CCRB interview, conducted on February 24, 2021 (BR 06):

Inv. Strauss: Can you explain how was § 87(2)(b) then brought to the police vehicle, what happened [after he was arrested]?

Det. Daughtry: I didn’t transport him, I didn’t take him to the vehicle.

In Det. Daughtry’s second CCRB interview, conducted on July 29, 2021, between 17:52 and 20:59, Det. Daughtry watched PO Rogowski’s BWC footage (03:20 to 05:51), which depicted him being present at the transport vehicle. Between 21:00 and 23:27 in the interview (BR 30), Det. Daughtry stated that he saw in the video that he was present at the van but could not provide further information in regards. The following verbatim exchange then occurred:

Inv. Strauss: So, are you able to say, were you assisting with trying to get § 87(2)(b) into the vehicle at this point?

Det. Daughtry: No, as you can see, no I wasn’t actually.

Inv. Strauss: And after seeing this, do you remember anything else that you didn’t previously testify to that happened while you’re at the transport vehicle?

Det. Daughtry: No ma’am, no I do not.

Inv. Strauss: Okay understood. After seeing this, is it still your testimony that you do not recall whether you held your Taser against § 87(2)(b) body?

Det. Daughtry: I do not remember, no.

Inv. Strauss: And so, in your previous CCRB testimony, you stated that you did not take § 87(2)(b) to the transport vehicle. But the BWC shows that you were at the van with him. I just want to give you the opportunity to explain those differences.

Det. Daughtry: I’m still staying with it, I do not remember. This was over two years ago Miss Strauss and I do not remember. I don’t even remember being there.

Inv. Strauss: Okay understood. And aside from you don’t remember being there and it was a long period of time that had passed, is there any other reason why there are those differences from your testimony and the video?

Det. Daughtry: Just what you said ma’am.

SI Roche: So just to be clear, do you have any independent recollection of this portion that was captured on the video or is it just what you’re seeing on the video?

Det. Daughtry: Just what I’m seeing.

A misleading statement is a statement intended to misdirect the fact finder and materially alter the narrative by intentionally omitting material fact(s) or altering a member's prior statement when an officer confronted with independent evidence indicating that an event did not occur as initially described. An inaccurate statement is a statement that an officer knows, or should know, includes incorrect material information. There is no intent to deceive, but rather the officers' actions are grossly negligent. A material fact is a significant fact that is essential to the determination of the issue and the suppression, omission, or alteration of such fact would reasonably result in a different decision or outcome. NYPD Patrol Guide, Procedure 203-08 (BR 31).

The investigation acknowledges that one year and seven months had elapsed between the incident and Det. Daughtry's initial CCRB interview. However, Det. Daughtry did *not* testify to the CCRB that he did not recall whether he assisted with § 87(2)(b) first arrest, that he did not recall whether he observed § 87(2)(b) first arrest, or that he did not recall whether he took § 87(2)(b) to the transport vehicle during his second arrest. Rather, Det. Daughtry categorically testified to the CCRB that he did not interact or make physical contact with § 87(2)(b) during the first arrest, was not present for the first arrest, and did not take § 87(2)(b) to the transport vehicle during the second arrest.

In each instance, the statements were material to specific allegations – in the first arrest, whether Det. Daughtry used force in effecting § 87(2)(b) arrest and in the second, whether Det. Daughtry held a Taser to § 87(2)(b) body. Det. Daughtry's testimony that he was not present for § 87(2)(b) first arrest suggests that he attempted to exculpate himself, by distancing himself from the incident and thus, from any potential misconduct finding. Additionally, Det. Daughtry did not prepare a memo book entry, did not activate his BWC, and no finalized TRI was completed (see OMNs). As such, Det. Daughtry's failure to document his police action in any manner, all of which could have potentially served to refresh his recollection, speaks to his negligence and failure to exercise due care and diligence.

Upon listening to his GO-15, Det. Daughtry did not amend his testimony regarding § 87(2)(b) first arrest, and he did not provide a sufficient explanation for the discrepancies between his testimonies. Further, though the conflicting testimonies could potentially be explained, to some degree, by Det. Daughtry's faulty memory, the degree to which the testimonies differed – testifying to PBBN about the circumstances that led to § 87(2)(b) arrest, that he went to arrest § 87(2)(b) that § 87(2)(b) resisted, and that he and officers took § 87(2)(b) to the ground, then later testifying to the CCRB that he did not interact with § 87(2)(b) did not make physical contact with him, did not assist with the arrest, and was not even present when § 87(2)(b) was arrested—§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

As discussed, video footage clearly contradicts Det. Daughtry's testimony that he was not at the transport vehicle during § 87(2)(b) second arrest. Upon viewing BWC footage depicting this inconsistency, Det. Daughtry testified that he did not independently recall being present at the

van. Det. Daughtry explained that the incident occurred two years prior and that he could not recount anything that happened at the van. § 87(2)(g)

[REDACTED]

§ 87(2)(g), § 87(4-b)

[REDACTED]

§ 87(2)(g), § 87(4-b)

[REDACTED]

§ 87(2)(g), § 87(4-b)

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

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- § 87(2)(b)
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- Det. Daughtry has been a member of service for 15 years and has been a subject in 16 complaints and 37 allegations, of which two were substantiated.
 - 200710793 involved substantiated allegations of threat of force and gun pointed against Det. Daughtry. The Board recommended Charges and the NYPD imposed a forfeiture of 10 vacation days.
- PO Rogowski has been a member of service for seven years and has been a subject in one complaint and three allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]
- Capt. Dominguez had been a member of service for 19 years and has been a subject in two complaints and two allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]

Squad No.: 6

Squad Leader: Jessica Peña IM Jessica Peña 8/10/2021
Signature Print Title & Name Date